UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

IN RE:)	
)	Case No. 10-BK-31607
GARLOCK SEALING TECHNOLOGIES,)	
LLC, et al.,)	Chapter 11
) .	
Debtors.)	Jointly Administered

OPPOSITION TO "MOTION OF THE DEBTORS FOR AN ORDER COMPELLING MESOTHELIOMA CLAIMANTS TO COMPLY WITH THIS COURT'S QUESTIONNAIRE ORDER AND OVERRULING OBJECTIONS TO THE QUESTIONNAIRE" FILED ON BEHALF OF CERTAIN CLIENTS OF MOTLEY RICE LLC

COMES NOW, asbestos personal injury and wrongful death claimants represented by Motley Rice LLC, ("Motley Rice") by and through the undersigned counsel, respectfully submits this response and objection ("Objection") to the Debtors' Motion to Compel Mesothelioma Claimants to Comply with This Court's Questionnaire Order and Overruling Objections to the Questionnaire ("Motion"). In support of the Objection, Motley Rice respectfully responds as follows:

Preliminary Statement

Debtor's or Debtor's agent, Rust Consulting Inc. ("Rust") sent 201 Mesothelioma

Questionnaires to Motley Rice or to Motley Rice affiliated co-counsel. None of the Questionnaires included any unique identifier to definitively identify the particular claimant Motley Rice was to respond. In fact, many of the Questionnaires did not even identify the person suffering or who had suffered from mesothelioma: the name of another individual was included. Some questionnaires included "EXEC" after the name with no other explanation or identifier.

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Our office had a team of two paralegals supervised by an attorney who spent hours looking up each name on the questionnaires received to try to match to a particular mesothelioma claimant. Family member names were searched as well. Disease levels were searched. This process took approximately 3 to 4 days to accomplish. The results were then reviewed by a senior paralegal and associate attorney in order to determine if a questionnaire could be "tagged" to the correct claimant. In some cases, individuals with common names rendered multiple results with numerous cases to review to try to determine if a match existed. In all, it took approximately 5 days to simply identify possible claimants in our system. This did not include any time spent in actually answering the questionnaires.

General information about Responses

- 1. For those claimants who could <u>not</u> be identified with certainty, the questionnaire was not completed. This includes, but is not limited to claimants with the same name.
- 2. For those claimants who were not diagnosed with mesothelioma, the questionnaire was not completed, as the questionnaire is to be completed only for individuals suffering from mesothelioma.
- 3. For those claimants where the case was closed, settled or dismissed against Debtors, the questionnaire was not completed.
- 4. For certain claimants where Motley Rice co-counsel had responsibility for the case (Motley Rice does not represent the client for purposes of the Debtor's bankruptcy) we corresponded with co-counsel and forwarded to them the questionnaires. Co-counsel has, to our knowledge, corresponded with Debtors or Rust as to the status of those claims. Attached is a copy of Co-counsel Janet Ward Black's letter dated October 28, 2011 directed to Rust consulting listing a number of cases, three of which are included in Debtor's Supplemental Exhibit 2: Gordon W.

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Forshee, Bennie R. Jordan and George Talbot, whereby she informed Rust that the no proof of claim would be submitted against Garlock due to lack of product identification. (Exhibit A) Rust was notified, yet Debtors continue to incorrectly report to this Court that no response has been received. Rust's ability to transmit information already relayed is obviously flawed.

- 5. In certain circumstances Motley Rice has responsibility for the case and co-counsel forwarded questionnaires to us. We responded to those questionnaires unless they fell into one of the above categories. Motley Rice never received a questionnaire for the Siebert matter. This matter was settled and should not be a part of the Questionnaire process. Motley Rice responded to questionnaires on behalf of 123 claimants. We did not submit questionnaires on behalf of mesothelioma claimants who were not provided with a questionnaire by Debtors.
- 6. In addition, Motley Rice has prepared supplemental information as to all cases listed in Debtors Motion and forward same to Rust and Debtors counsel. (Exhibit B).
- 7. In each case where a questionnaire was received from Debtors or Rust, or forwarded by cocounsel and the claimant could be identified with certainty, the questionnaire was responded to.

 Certain questions, in particular, many of the 5(A) and 5 (B) Exposure questions could only be
 objected to and responded as "Discovery is ongoing", as Discovery has been stayed due to Debtors'
 bankruptcy. For those claimants where discovery had been substantially completed or completed,
 transcripts of depositions or affidavits were attached. The only information not provided which
 Garlock does not already have is the timing of settlements paid by solvent defendants or asbestos
 bankruptcy trusts, as to which we objected. It is impossible to tell from the Debtors' motions
 exactly why it thinks Motley Rice's Questionnaire responses are deficient and no one from the
 Debtors has ever attempted to meet and confer with us about any deficiencies. In an abundance of
 caution, to the extent that the client has been deposed, we have provided the Debtors and Rust by
 supplement dated February 8, 2012 with another copy of the client's deposition or applicable

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portion of deposition. (Garlock should already have all of these deposition transcripts, as its counsel would have been present at every deposition). As Garlock well knows, the deposition of a mesothelioma victim usually covers in exhaustive detail all the types of work with asbestos products and asbestos exposures that the client knows about, and the complaint (which Garlock also has for each case) lists those defendants which counsel has a good faith basis to believe that exposure to the products of the named defendants has occurred even though the evidence of exposure has not yet been developed.

8. Motley Rice had a team of approximately 10 paralegals researching and completing questionnaires for about two weeks. We reviewed work histories, site information and status of cases. We have reasonably responded to the Questionnaires, given the burdens imposed. Debtors' have their own files and resources and need to review their own information as well. We object to the extent of the burdens imposed to further responding to this process.

Joinder

Motley Rice claimants hereby and herewith joins in, adopted and incorporates by reference those portions of the Response of the Simmons, Browder, et al. law firm, any papers filed by the Garlock ACC, and any papers filed by any other plaintiff law firm to the extent relevant to the issues Garlock raised with us addressing why the Debtors' Motion to Compel should be dismissed.

Conclusion

For the reasons set forth in this Objection, Motley Rice respectfully submits that the relief requested in the Motion should be denied.

Dated: February 10, 2012

MOTLEY RICE LLC

s/ Nathan D. Finch
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Counsel to Certain Mesothelioma Claimants

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EXHIBIT "A"

WARD BLACK LAW

PERSONAL INJURY | WORKERS' COMPENSATION

DANGEROUS DRUGS & PRODUCTS | SOCIAL SECURITY DISABILITY

October 28, 2011

Rust Consulting PO Box 2512 Faribault, MN 55021-9512

Re: Garlock Sealing Technologies LLC, et al., Case No. 10-31607 (Bankr. W.D.N.C.)

Questionnaires for injured parties:

Grogan, Benjamin G. – W.D.N.C., Case No. 98cv92 – xxx-xx-1237 McFarland, Betty H. – E.D.P.A., Case No. 07cv62963 – xxx-xx-0821 Newton, David – E.D.P.A., Case No. 06cv68719 – xxx-xx-3304 Price, Bruce L. – E.D.P.A., Case No. 06cv68997 – xxx-xx-4003

Forshee, Gordon W. – Fulton County, GA, Case No. 04vs064936D – xxx-xx-5347 Jordan, Bennie R. – Fulton County, GA, Case No. 04vs070144D – xxx-xx-2287 Talbot, George – Fulton County, GA, Case No. 03vs055081 – xxx-xx-8075

To whom it may concern:

My law firm serves as counsel for the individuals named above who were provided questionnaires for completion. We no longer have sufficient evidence to complete the product identification section of these questionnaires for these individuals. If their actions were not stayed in the tort system at this time, we would take a dismissal. As a result, you will not be receiving completed questionnaires for these individuals and we will not be submitting any proof of claim against Garlock for them in the future.

Very truly yours,

Janet Ward Black

JWB/jdb

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EXHIBIT "B"

28 Bridgeside Blvd. Mt. Pleasant, SC 29464 o. 843.216.9000 f. 843.216.9450

Jeanette M. Gilbert

Licensed in NY, SC

direct: 843.216.9311
jgilbert@motleyrice.com

February 8, 2012

VIA USPS Express Rust Consulting Inc. P. O. Box 2512 Faribault, MN 55021-9512

Garland S. Cassada, Esq. Robinson Bradshaw & Hinson, P.A. 10 North Tryon St., Suite 1900 Charlotte, NC 28246

RE: Garlock Sealing Technologies Questionnaire

Dear Sirs:

Enclosed please find a CD with information supplementing Questionnaires previously filed. A Table of Contents is enclosed which designates each file and the information supplemented.

I have included as Exhibit "A" a spreadsheet of twelve (12) cases listed on Exhibit 2 of the Motion to Compel. Please note that in each case, with the exception of the Robert J. Dion matter, the case is closed, has settled with Garlock, or our co-counsel have advised us that they communicated with Garlock's counsel that the case was closed or not proceeding against Garlock. See also a copy of Ward Black Law firm letter dated October 28, 2011 advising that questionnaires would not be submitted for five cases, three of which (Forshee, Jordan and Talbot) are affiliated with Motley Rice.

We have filed a questionnaire in Robert J. Dion. A duplicate Questionnaire with supplemental information is enclosed for your ready reference.

Also included is a list of thirty eight (38) cases as Exhibit "B". These cases could not be identified in our system, the case was settled or our co-counsel will be responding to the Questionnaire. Due to lack of a unique identifier, the majority of these could not be matched in our system to a client suffering from mesothelioma.



The remaining one hundred twenty three (123) cases have been supplemented on the CD. Please note that we have included the Rust claim number in our enclosures, as well as on the CD for each matter.

Motley Rice reserves the right to further supplement as needed.

Yours very truly,

leanette M. Gilbert

Encl.

cc. John A. Baden IV Nathan Finch

Exhibit "A"

CN from Site	<u>MRID</u>	Last 4 SSN	GLAIMANT'S NAME	Comment
				Did not receive a Garlock questionnaire /
91046	13464.000	303	SEIBERT, MILDRED IND EXEX	Settled with Garlock/closed case
91244	420255.000	6768	Dion, Robert J. (dec)	We did submit a questionnaire
				Case closed/co-counsel wrote Garlock
91787	391211.000	2287	Jordan, Bennie Ray (dec)	Counsel not proceeding
·				Case closed/co-counsel wrote Garlock
91824	375680.000	5347	Forshee, Gordon W. (dec)	Counsel not proceeding
				Case closed/co-counsel wrote Garlock
91855	245942.000	8075	Talbot, George	Counsel not proceeding
				Case closed/Questionnaire was mailed to
91879	233230.000	6146	Stone, Leonard (dec)	former client
				Case closed/Questionnaire was mailed to
91909	150970.000	6312	Burnett, Betty	former client
				Case closed/Questionnaire was mailed to
92043	91164.000	5576	Montegut, Arthur Dr & Ruth	former client
	•			Case closed/co-counsel wrote Garlock
92128	11064.000	5405	Macdonald, Richard	Counsel not proceeding
				Case closed/co-counsel wrote Garlock
92203	13128.000	3392	Harris, Merle	Counsel not proceeding
				Case closed/Questionnaire was mailed to Co-
92234	19972.000	2596	Lagerstrom, Lennard	counsel
				Case closed/Questionnaire was mailed to Co-
92258	20104.000	8551	Lauer, Paul H.	counsel

Exhibit "B"

CN from Site	MRID	<u>ssn</u>	<u>CLAIMANT'S NAME</u>	Comment
91060			Kelley, John P.	Could not identify client in our firm's file
				Co-counsel is handling questionnaire
91145	447452.000	8635	Springer, David R (dec)	response
				Co-counsel is handling questionnaire
91169	444410.000	9587	Wood, Robert L.	response
91220	442231.000	5884	Hensley, Jerome	Case was Settled
91268	439138.000	3165	Adams, Lowell Selven	Case was Settled
91275	438277.000	3720	Crawford, Cebert Leon	Case was Settled
91312	432907.000	4165	Miller, Thomas W.	Case was Settled
91442	231321.000	4919	Polk, Jr., Thomas Henry	Case was Settled
91459			Wilson, David	Could not identify client in our firm's file
91596			Nelson, Irvin (dec)	Could not identify client in our firm's file
91633	407308.000	7332	Cochran, Tommie	Case was Settled
91916	66798.000	3475	Cooper, James	Case was Settled
91978	134160.000	9085	Hugo, Gloria	Case was Settled
				Co-counsel is handling questionnaire
91992	127478.000	5730	McMillan, William F. (dec)	response
92067			Gurino, Napoleon L.	Could not identify client in our firm's file
92074	66544.000	5009	Carter, Walter H. (dec)	Garlock Settled
92098			Wilson, Charles	Could not identify client in our firm's file
92104	40073.000	1481	Martin, Leon M & Bessie	Garlock Settled
92135	348232.000	8370	Pope, Charles H.	Could not identify client in our firm's file
92142			Adkins, Bertie (extx)	Could not identify client in our firm's file
92159			Potts, Lowell Jr. (extx)	Could not identify client in our firm's file
92166			Basinger, Russell H. & Eva L.	Could not identify client in our firm's file
92173			Tolliver, Joshua	Could not identify client in our firm's file
92180			Akers, Raymond L.	Could not identify client in our firm's file
92197			Krochta, Andy & Marilyn	Could not identify client in our firm's file
92210		·	Turreck, James C. & Jane	Could not identify client in our firm's file
92227			Blomberg, Kenneth	Could not identify client in our firm's file
92241			Smith, Raymond E.	Could not identify client in our firm's file
92272			Chladni, Victor Jr. (extr)	Could not identify client in our firm's file
92296			Robertson, Richard W.	Could not identify client in our firm's file
92302			Jackson, Richard	Could not identify client in our firm's file
92319			Pecka, Stanley C.	Could not identify client in our firm's file
92326			Becker, John A.	Could not identify client in our firm's file
92340			Thompson, John P.	Could not identify client in our firm's file
92357			Leos, Leonard	Could not identify client in our firm's file
	425431.000	2992	Lang, Sr., Paul T. (dec)	Case was Settled
			Tinsley, Samuel James	Could not identify client in our firm's file

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Table A & C

Vesholinik/liociesholinik			SSN	CLAIMANTS NAME
Responding	Martin & Jones	416985.000	693	Adams, Bruce (dec)
Responding	91268	439138.000	3165	Adams, Lowell Selven
Responding	91473	416862.000	5678	Adelsflugel, Alberto Bernardo (dec)
Responding	91497	24427.000	6276	Akers, John W.
Responding	Martin & Jones	416998.000	1780	Anderson, Grant (dec)
Responding	91688	404512.000	9372	Andreoli, Benito J.
Responding	91527	414782.000	5335	Arington, Bobby (dec)
Responding	91534	418320.000	2426	Bable, Paul (dec)
Responding	91282	438218.000	9210	Baker, Leon (dec)
Responding	91121	8872.000	3869	Beebe, Glen E.
Responding	Martin & Jones	417003.000	4474	Bergmann, Abram (dec)
Responding	91923	106253.000	5539	Blackard, William (dec)
Responding	91961	136054.000	4763	Blitch, Velma Ward
Responding	Martin & Jones	417005.000	3681	Boivin, Reval (dec)
Responding	Martin & Jones	417006.000	355	Bondi, Primo (dec)
Responding	Martin & Jones	417139.000	9677	Boucher, Charles (dec)
Responding	91374	427064.000	641	Bowers, Vernon R.
Responding	91558	413769.000	3654	Bradshaw, Jake W.
Responding	92074	66544.000	5009	Carter, Walter H. (dec)
Responding	Duke Law Firm	163319.000	9924	Chandler, Roy
Responding	Duke Law Firm	116943.000	2792	Clarke, George
Responding	Duke Law Firm	224208.000	1079	Coburn, Jack (dec)
Responding	91633	407308.000	7332	Cochran, Tommie
Responding	Duke Law Firm	157751.000	3630	Coleman, Richard & Muriel
Responding	91077	423339.000	6978	Collins, Betty J.
Responding	91893	163197.000	120	Colvin, Thomas Wilburn (dec)
Responding	91916	66798.000	3475	Cooper, James
Responding	Martin & Jones	417168.000	1311	Cortan, Milan (dec)
Responding	91275	438277.000	3720	Crawford, Cebert Leon
Responding	92012	111940.000	7985	Crawford, John V.
Responding	Duke Law Firm	163399.000	8623	Culligan, Walter (dec)
Responding	91725	246856.000	4828	DePriest, Donald (dec)

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Responding	91244	420255.000	6768	Dion, Robert J. (dec)
Responding	91671	406071.000	3122	Doucette, Sr., Gerald
Responding	91404	424308.000	1313	Easton, Robert E.
Responding	Martin & Jones	417064.000	9228	Emes, Frank John (dec)
Responding	92029	152158.000	5346	Faulkner, Douglas
Responding	Martin & Jones	417072.000	2790	Fell, Keith (dec)
Responding	91572	403740.000	559	Fugate, John Sheldon (dec)
Responding	92036	89806.000	1548	Garcia, Ambrosia J. (dec)
Responding	91152	425064.000	5650	Goddard, David Lee (dec)
Responding	91848	166306.000	6932	Greenwood, Jesse Clifford
Responding	Ward Keenan & Barrett	142865.000	9830	Guinn, Julius David (dec)
Responding	91336	421707.000	2920	Haizlip, Judson Lee (dec)
Responding	91862	234850.000	3376	Harris, Ralph
Responding	91626	404006.000	6812	Henderson, Gerald W. (dec)
Responding	Martin & Jones	417091.000	535	Hennings, William (dec)
Responding	91220	442231.000	5884	Hensley, Jerome
Responding	91398	427446.000	3139	Hern, Beulah (dec)
Responding	91978	134160.000	9085	Hugo, Gloria
Responding	91091	443261.000	8578	Hunt, George F. (dec)
Responding	91350	424956.000	8349	Jandreau, Joseph G. (dec)
Responding	91084	450297.000	9106	Johnson, Joni L.
Responding	91701	393702.000	6448	Johnston, Deborah
Responding	91114	437798.000	5772	Kautz, Dale M (dec)
Responding	91930	147851.000	2641	Kelly, Jimmy
Responding	91718	375703.000	2294	Kelsey, Donald
Responding	91107	448893.000	4229	Kitchen, Jr., Glen E. (dec)
Responding	Levin Papantonio	415611.000	5876	Knight, Edwin J. Sr.
Responding	Martin & Jones	417159.000	4118	Korchi, Brick
Responding	Hartley & O'Brien PLLC	425431.000	2992	Lang, Sr., Paul T. (dec)
Responding	91657	165930.000	7640	Langdon, Roy (dec)
Responding	Martin & Jones	417179.000	9443	Larson, Alf (dec)
Responding	91046	414806.000	2000	Lesko, Michael Leon
Responding	91756	403932.000	3518	Loudermilk, Fred R.
Responding	91138	442952.000	977	Lovejoy, Ethel

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1617 6510 5148 8518 5836 8080 9237 7216 4712 4690 6494		Responding
1617 16510 15148 15148 1536 15836 28080 17216 17216 14690		Responding Responding Responding Responding Responding Responding Responding Responding
1617 6510 5148 8518 8536 8080 9237 7216 4712		Responding Responding Responding Responding Responding Responding Responding
1617 6510 5148 8518 5836 8080 9237 7216		Responding Responding Responding Responding Responding Responding Responding
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1617 6510 5148		Responding
1617 6510		
1617		Responding
		Responding
427236.000 3795 Roberts, Ralph Randall		Responding
417221.000 9039 Richardson, William (dec)	Martin & Jones 4172	Responding
392185.000 5469 Reynolds, Marcia	91770 3921	Responding
417216.000 6176 Reid, Donald (dec)	Martin & Jones 4172	Responding
425271.000 7331 Raynor, Robert L	91411 4252	Responding
417212.000 9335 Pruden, Allan Frank (dec)	Martin & Jones 4172	Responding
417198.000 7960 Price, Brian (dec)	Martin & Jones 4171	Responding
	91442 2313	Responding
433408.000 2311 Parnell, Thomas R.	91329 4334	Responding
442490.000 4622 Oxley, Charles Benjamin	91213 4424	Responding
156595.000 8441 Overman, Harvey L	91695 1565	Responding
397452.000 3765 Odom, Threa	91640 3974	Responding
	91183 4272	Responding
110910.000 5302 Myers, Joseph F.	91800 1109	Responding
64119.000 2984 Moon, Roy (dec)		Responding
413368.000 7081 Mishoe, George T.	Levin Papantonio 4133	Responding
432907.000 4165 Miller, Thomas W.	91312 4329	Responding
427159.000 3893 McSwain, Jacque Truett	91381 4271	Responding
420674.000 773 Mather, Phillip	91510 4206	Responding
40073.000 1481 Martin, Leon M & Bessie	92104 4007	Responding
6210 Man	91541 4168	Responding
415910.000 159 Lund, Maurice (dec)	91466 4159	Responding

Zess, Roger	1630	417030.000	Martin & Jones	Responding
Zain, Betty	9145	427577.000	91367	Responding
Zaffarano, Richard F. (dec)	8000	127359.000	91985	Responding
Young, William (dec)	856	417047.000	Martin & Jones	Responding
Wrenn, Alferce Earle & Frances	1677	111347.000	92005	Responding
Wilson, Gordon (dec)	7244	115718.000	Martin & Jones	Responding
Williams, Robert Leo	6162	396999.000	91732	Responding
Whitmire, Johnny L	3599	428703.000	91176	Responding
Welch, John (dec)	953	417297.000	Martin & Jones	Responding
Welch, Donald E (dec)	8613	418475.000	91480	Responding
Ward, Steven Grant (dec)	7458	417295.000	Martin & Jones	Responding
Walker, Marvin Truman (dec)	8589	414777.000	91435	Responding
Tucker, R. J. (dec)	2848	166120.000	Levin Papantonio	Responding
Troup, Glenn (dec)	4466	417293.000	Martin & Jones	Responding
Trimble, Embry R.	114	421731.000	91428	Responding
Trewhella, Gary (dec)	5807	417291.000	Martin & Jones	Responding
Treadway, Arnold Glenn	2573	195426.000	91206	Responding
Tetz, Andrew (dec)	3432	417282.000	Martin & Jones	Responding
Tant, Phyllis Anne L (dec)	5943	411803.000	91602	Responding
Stubblefield, Leroy S. & Evelyn	5089	12380.000	91053	Responding
Streib, Mark (dec)	6021	421244.000	91251	Responding
Stewart, Harper C. (dec)	6782	139229.000	Ward Keenan & Barrett	Responding
Sterzik, Paul (dec)	1897	417268.000	Martin & Jones	Responding

427577.000 Zain, Betty

91367